

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHARON A. JOHNSON,

Defendant.

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8:07CR346

ORDER

This matter is before the court on the motion to continue by defendant Sharon A. Johnson (Johnson) (Filing No. 67). Johnson seeks a continuance of at least ninety (90) days of the trial of this matter which is scheduled for April 27, 2009. Johnson has submitted an affidavit wherein she represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. The motion is supported by appropriate documentation of Johnson's medical condition. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Johnson's motion to continue trial (Filing No. 67) is granted.
2. Trial of this matter is re-scheduled for **August 31, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 13, 2009 and August 31, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(B).

DATED this 13th day of April, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge